

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 21 January 2003

Division: Growth Management

Bulk Item: Yes X No

Department: Marine Resources

AGENDA ITEM WORDING:

Approval to advertise for three public hearings an Ordinance amending Chapter 5.5 - Boats, Docks, and Waterways, creating a new section of the code limiting the size of vessels on man-made waterbodies.

ITEM BACKGROUND:

Some time ago the County Commission and the Marine and Port Advisory Committee (MPAC) considered a number of issues raised by the public concerning the existence and use of large vessels on man-made waterbodies (canals). The MPAC held several workshops to take input from the public, to consider the issues, and to develop options for the management of over-sized vessels within man-made waterbodies. The attached ordinance embodies the recommendations of the Marine and Port Advisory Committee.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: None

BUDGETED: Yes No

COST TO COUNTY: None

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X AMOUNT Per Month Year

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL: 
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM NO.: I 13

ORDINANCE NO. 2002

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COMMISSIONERS CREATING A NEW SUBSECTION IN CHAPTER 5.5, ARTICLE V, Sec. 108 (d), ENTITLED "OVERSIZED VESSEL REGULATIONS," PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES, PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the Monroe County Board of Commissioners to provide for the safety and welfare of its resident and visiting boaters; and

WHEREAS, there are over 25,000 registered vessels in Monroe County and an unknown, but seasonally large number of visiting boats; and

WHEREAS: many of the resident and visiting boaters dock and maintain there vessels one of the nearly 500 canal systems in Monroe County; and

WHEREAS, most of the canal systems in Monroe County are narrow, less than 100 feet in width; and

WHEREAS, the nature of these canals, being long and narrow, frequently having tight turns, and always having a large number of vessels docked along their margins, makes them very difficult to navigate, particularly for large vessels:

WHEREAS, navigating a over large vessel on most of the canals in Monroe County constitutes a safety hazard to the captain of a large vessel and particularly to the owners and captains of other vessels using the same waterway, now, therefore:

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT:

Section 1. Insert Article V, Subsection 108 (d), "Oversized Vessel Regulations," to Chapter 5.5.

Article V.

Sec. 5.5-108:

(d) Oversized Vessel Regulations

(1) Presence of Certain Vessels Prohibited; exceptions

- (i) Vessels over 75 feet in total length are prohibited from the use of man made waterbodies in Monroe County, where:
 - 1. Docking is on a canal or man-made waterbody less than 100 feet wide at the docking location; or
 - 2. The vessel length is greater than the width of the man-made waterbody at the docking location, or;
 - 3. When docked, the vessel impedes the safe passage of other vessels.
- (ii) Exception to this regulation is made in the case of:
 - 1. Boating emergencies, either in the case of the oversized vessel itself or that its inhabitants are in peril, or in the case where an oversized vessel may need to respond to a boating emergency;
 - 2. Major storm events;
 - 3. For temporary maintenance and construction activities.

Section 2. Severability.

- a. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. Repeal of inconsistent ordinance clauses.

- a. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 4. Inclusion in the Monroe County Code.

- a. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to

Marine Resources

amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. Effective date

- a. This Ordinance shall be filed with the Office of the Secretary of State of the State of Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2004.


Mayor Nelson
Mayor Pro Tem Rice
Commissioner McCoy
Commissioner Neugent
Commissioner Spehar

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT M. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 1-6-04

SECTION 12. INSURANCE POLICIES

The CONSULTANT shall procure and maintain the insurance required in Exhibit "C". Exhibit "C" is attached and made a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the _____ day of _____ 2003.

(SEAL)
ATTEST DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

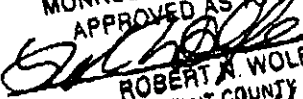
By _____
Mayor/Chairman

(CORPORATE SEAL)
ATTEST:

By _____
C. Alyn Pruett, Principal

Wallace Roberts & Todd LLC

By _____
Gerald C. Marston, Principal

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT A. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 1-6-04